In the second case (no. 2837/2), which involves the names *Melanophila* and *Phaenops*, the situation is not as clear-cut. Since the establishment of the name *Phaenops* by Dejean (1833), in the New World it was considered either as a synonym or as a subgenus of *Melanophila* Eschscholtz, 1829 for more than 100 years with few exceptions. Therefore, Mühle's contention that the name *Melanophila* has not been used since 1857 for species now considered under *Phaenops* is misleading, especially in relation to the literature on New World species. The recognition of *Phaenops* as a separate genus is recent enough (largely post-World War II) that, of the more than 15 valid species in the Nearctic fauna, all were described under *Melanophila* except for two described earlier under *Buprestis*. *Phaenops* was considered a subgenus of *Melanophila* as recently as 1987 by Bright. As Westcott has pointed out (BZN **50**: 232 and above), the economic literature is rather extensive, as well as uniform, in referring to the pests belonging to this group under the generic name *Melanophila*. Apparently, Mühle missed noticing the paper by Nelson (1989) (cited by Westcott, BZN **50**: 232) which dealt with the necessary changes to adjust to recognizing *Bupestris cyanea* Fabricius as the first designated type species of *Melanophila*. This would have those species most recently considered under *Phaenops* revert to *Melanophila*, under which most were described, and the species considered under *Melanophila* would be included under *Oxypteris*. This arrangement preserves intact the usage in the economic literature and was followed by Nelson (1993). I do not, therefore, concur with the proposals in this application.

Additional references

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Nelson, G.H. 1993. Note on *Oxypteris hungarica* (Csiki) and a description of the female of *Xenorhipis mexicana* Nelson (Coleoptera: Buprestidae). *The Coleopterists' Bulletin*, **47**(2): 150.

Comments on the proposed conservation of the specific name of *Rivulus marmoratus* Poey, 1880 (Osteichthyes, Cyprinodontiformes)

(Case 2722; see BZN **47**: 191–194; **48**: 150–152)

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My work on the taxonomy of the *Rivulus ocellatus* species complex is progressing but is not yet complete. This very widespread group, which occurs from Florida to Santa Catarina (Brazil), comprises some very similar nominal species, such as *R. ocellatus* Hensel, 1868, *R. marmoratus* Poey, 1880, *R. bonairensis* Hoedeman, 1958 and *R. caudomarginatus* Seegers, 1984. No rigorous taxonomic studies have so far been made comparing material from the several different localities within this large area. I am not convinced that these nominal species represent a single taxonomic species, although I have not yet examined material from Cuba, one of the probable type localities of *R. marmoratus*. However, based on available material, I have verified that hermaphrodite specimens of *R. ocellatus* from the type locality (Rio de Janeiro) are very different in body depth from hermaphrodite specimens from Florida.

I would be sorry if the Commission were to make so important a nomenclatural decision as the suppression of the name *R. ocellatus* before a comprehensive taxonomic study of the group had taken place.

Additional references

Costa, W.J.E.M. 1990. Amálise filogenética da família Rivulidae (Cyprinodontiformes, Aplocheiloidei). *Revista Brasileira de Biologia*, **50**(1): 65–82.

Costa, W.J.E.M. 1991. Redescriçao do gênero *Rivulus* .... *Revista Brasileira de Biologia*, **51**(2): 327–333.

Costa, W.J.E.M. 1991. Description of two new species of the genus *Rivulus* (Cyprinodontiformes, Rivulidae) from eastern South American coastal plains. *Revue Suisse de Zoologie*, **98**(3): 581–587.

Costa, W.J.E.M. & Brasil, G.C. 1991. Description of a new species of the genus *Rivulus* (Cyprinodontiformes, Rivulidae) from the coastal plains of Eastern Brazil. *Ichthyol. Explor. Freshwaters*, **1**(4): 379–383.

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In our application (BZN 47: 191–194) we proposed that the specific name of *Rivulus marmoratus* Poey, 1880 be conserved for the reasons stated (paras. 3 and 7) and we asked the Commission to suppress and place on the Official Index the senior synonym *R. ocellatus* Hensel, 1868.

Subsequent to our application, Wilson Costa, in a comment (above), a copy of which was provided to us, has expressed concern that if the Brazilian populations of *R. marmoratus* were to be recognized as a separate species or as a subspecies the name *ocellatus*, which would normally have been available for these populations, would have been officially rejected and by implication a new name would have to be found.

While our research on all known populations of *R. marmoratus* indicates that there are no more morphological or meristic differences between populations than there are within any one population, we recognize that the diversity of opinion which has emerged should be accommodated. In view of this we now propose to revise our application to request that the name *Rivulus marmoratus* Poey, 1880 be given precedence over *R. ocellatus* Hensel, 1868, rather than that *ocellatus* be suppressed, so that the latter can continue to be of use, if required, as a specific or subspecific name.

A specimen marked as the type of *Rivulus ocellatus* is present in the Humboldt Museum in Berlin (no. ZMB 7448; para. 4 of the application). However, an additional matter which should be addressed is the loss of Poey's types of